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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,677	06/27/2001	Kent D. Cedola	50037.13US01	3958

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EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,677

Applicant(s)

CEDOLA ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim Status: 1- 18, and 20 are rejected, claim 19, is canceled.
2. Applicant's arguments filed 8/17/2004 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, and 8-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu (US Patent No. 6,463,427).

Regarding Claims 1, 11, and 18, Wu discloses a method for replicating information (see Fig. 1, 3, and 4, Wu), comprising:

receiving a first manifest of modification to a data store (see column 6, lines 33-36, Wu), wherein the first manifest is compatible with a synchronization protocol that does not support add event (see column 6, lines 32-40, Wu¹);

¹ Since the Wu system allow the creation of databases for different types of object corresponds to step of compatible with a synchronization protocol that does not support add event, because if the Wu system do support the synchronization would not allow the creation step.

comparing the first manifest of modification to a list of objects within a mobile data store (see column 6, lines 16-22, Wu); and

creating a second manifest of modification by altering the first manifest wherein the second manifest is compatible with a synchronization protocol that supports add events, and wherein the first manifest is altered to reflect that a particular modification is associated with an add event for an object not on the list of objects within the mobile data store when the particular modification identified in the first manifest is interpreted as being associated with a change event for the object not on the list of objects (see column 6, lines 52-65. Wu).

Regarding Claim 2, Wu discloses a method further comprising passing the second manifest to a mobile device on which resides the mobile data store (see column 7, lines 53-64, Wu).

Regarding Claim 3, Wu discloses a method wherein the second manifest includes modifications that describe add events, change events, and delete events (see summary of the invention, column 2, lines 21-23, Wu).

Regarding Claims 4, and 8, Wu discloses a method wherein the add events, change events, and delete events describe actions to be performed on objects that reside in the mobile data store (see Fig. 5, 6, Wu).

Regarding Claim 5, Wu discloses a method wherein the first manifest, does not contain a modification that describes an add event, and wherein the second manifest contains at least one modification that describes an add event (see column 8, lines 21-26, Wu).

Regarding Claim 9, Wu discloses a method wherein the request to synchronize comprising a search request for objects on the data store that have changed since a prior

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synchronization transaction between the data store and the mobile data store (see column 7, lines 27-36, Wu).

Regarding Claim 10, Wu discloses a method wherein the request to synchronize comprises a search request for objects on the data store that have been deleted since a prior synchronization transaction between the data store and the mobile data store (see column 10, lines 4-7, Wu).

Regarding Claim 12, Wu discloses a computer-readable medium further comprising including in the sync state table the object that was not in the sync state table (see column 8, lines 58-63, Wu).

Regarding Claim 13, Wu discloses a computer-readable medium further comprising passing the second manifest to the second data store (see column 7, lines 21-26, Wu).

Regarding Claim 14, Wu discloses a computer-readable medium further comprising passing the object that was not in the sync state table to the second data store (see column 8, lines 63-67, Wu).

Regarding Claim 15, Wu discloses a computer-readable medium wherein the first data store and the second data store each contain copies of the collection of data objects (see column 3, lines 8-15, Wu).

Regarding Claim 16, Wu discloses a computer-readable medium wherein the data objects comprise e-mail messages (see column 6, lines 45-48, Wu).

Regarding Claim 17, Wu discloses a computer-readable medium wherein the data objects comprise contact information objects (see column 6, lines 48-51, Wu).

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Regarding Claim 20, Wu discloses a computer-readable medium further comprising passing the manifest including the associated add events to the second data store (see column 7, lines 27-32, Wu).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, and 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of the Peiya liu

Regarding Claims 6, and 7 Wu does not disclose the method of the first manifest is created in accordance with a Document Authoring and Versioning (DAV) protocol. However, the Siemens Corporate research teaches the method of the DAV protocol used in manifest creation (see page 76-79, Peiya Liu), it would have been obvious to one of ordinary skill in the art at the time of the invention to use the DAV protocol to create and modify the document with the motivation of keeping all the synchronized data updated and categorized properly by creating new add events if needed.

Response to Arguments

Applicant argues the Wu reference fails to disclose the amended limitations.

Examiner disagrees. Refereeing to the action above all the newly amended limitations have been addressed, please see the action above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to: Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
December 6, 2004


ALFORD KINDRED
PRIMARY EXAMINER